

Serial No. 09/695,867
Docket No. FJ-2000-027-US
(MAS.003)

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REMARKS

Entry of this Amendment is proper because it does not raise any new issues requiring further search by the Examiner, narrows the issues on appeal, and places the present application in condition for immediate allowance.

An excess claim fee payment letter is submitted herewith for seven (7) excess independent claims.

Claims 8-14, 16-20, and 30-57 are all the claims presently pending in the application.

Applicant gratefully acknowledges that claims 37-48 and 55-57 have been allowed and that claims 13, 14, 16, 18, 30, 32-34, 36, and 49-54 would be allowable if rewritten in independent form.

While Applicant believes that all of the claims are in condition for allowance, to speed prosecution, Applicant has rewritten allowable claims 13, 14, 16, 18, 30, 32, 33, 36, and 49-54 in independent form.

Please note that allowable claim 34 depends from allowable claim 33, and therefore, does not need to be rewritten in independent form.

Also, allowable claim 33 is amended merely to make an editorial change in conformance with U.S. Patent practice, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

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Applicant also amends claims 8, 9, and 11 to depend from allowable claim 13, claims 17, 19, and 20 to depend from allowable claim 16, and claims 31 and 35 to depend from allowable claim 30. Thus, claims 8-12, 17, 19, 20, 31, and 35 also are in condition for immediate allowance by virtue of their dependency from allowable claims 13, 16, and 30, respectively.

Claims 1-6, 7, 15, and 21-29 have been canceled without prejudice or disclaimer.

I. STATEMENT OF SUBSTANCE OF TELEPHONE CONFERENCES

Applicant's representative would like to thank the Examiner for courtesies extended in the telephone conferences conducted on November 3, 2004 and November 15, 2004, in the present application.

In the telephone conferences, the Examiner stated that a personal interview after-final would not be prudent at this time. However, the Examiner kindly clarified the reasons for allowance of the allowable claims and the reasons for maintaining the rejections of the rejected claims.

It was agreed that Applicant's representative would rewrite the allowable claims in independent form. Also, some of the dependent claims would be amended to depend from the allowable claims, thereby rendering these claims allowable. The remaining rejected claims would be canceled without prejudice or disclaimer, in order to speed prosecution.

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II. THE PRIOR ART REJECTIONS

With respect to the prior art rejections, claims 1-3, 7, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Swartz, et al. (U.S. Patent No. 6,330,244, hereinafter "Swartz"), in view of Sashihara (U.S. Patent No. 6,434,405). Claims 4-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sashihara, in view of Swartz. Claims 15, 17, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Alperovich, et al. (U.S. Patent No. 6,317,609; hereinafter "Alperovich"), in view of Swartz, in further view of Sashihara. Claims 9-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sashihara, in view of Swartz, et al, in further view of Alperovich. Claims 21-29, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettersson (U.S. Patent No. 6,615,057), in view of Swartz. Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettersson and Swartz, in further view of Alperovich.

As set forth above, claims 1-6, 7, 15, and 21-29 have been canceled without prejudice or disclaimer, and allowable claims 13, 14, 16, 18, 30, 32, 33, 36, and 49-54 have been rewritten in independent form. Moreover, claims 8, 9, and 11 have been amended to depend from allowable claim 13, claims 17, 19, and 20 to depend from allowable claim 16, and claims 31 and 35 to depend from allowable claim 30.

Therefore, the prior art rejections have been rendered moot by the amendments set forth above.

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III. FORMALITIES AND CONCLUSION

Applicant respectfully reiterates the request that the Examiner formally acknowledge the claim to foreign priority and receipt of the priority document filed on October 26, 2000.

Applicant also respectfully reiterates the request that the Examiner formally accept and approve the formal drawings filed on October 26, 2000.

In view of the foregoing, Applicant submits that claims 8-14, 16-20, and 30-57, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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